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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ex Parte Ditlow, et al

Serial No.: 09/943,829

Group Art Unit: 2195

Filed: August 31, 2001

Examiner: Tang, K.

For: METHOD AND APPARATUS TO MANAGE MULTI-COMPUTER SUPPLY

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

SECOND PETITION UNDER 37 C.F.R. §1.181
TO REINSTATE APPEAL

Sir:

Appellants herein petition a second time under 37 C.F.R. §1.181 for reinstatement of the appeal for the above-referenced Application, as authorized by 37 C.F.R. §1.193(b)(2)(ii).

The Office Action dated May 18, 2006, re-opened prosecution for a second time, as based on the Appeal Brief filed February 28, 2006.

Appellants have evaluated this new rejection and consider that, to one of ordinary skill in the art, the reference cited therein would be irrelevant to the present invention, as defined by the claims. Therefore, Appellants consider that re-opening the prosecution based on the rejection therein would not meaningfully advance prosecution and would only serve to continue to unduly delay the ultimate issue of the patent.

In summary, based upon an in-depth analysis, Appellants submit that newly-cited primary reference, US Patent 6,601,084 to Bhaskaran et al. is not related to the parallel-processing

environment defined by the claimed invention and cannot be modified without changing its principle of operation. Moreover, Appellants submit that the method used in this newly-cited reference does not satisfy the plain meaning of the claim language. Finally, Appellants submit that the previously-cited secondary reference Kurauch is also non-analogous to the claimed invention, as well as being not properly combinable with newly-cited Bhaskaran.

Therefore, Appellants petition that the appeal be reinstated, as permitted by 37 C.F.R. §1.193(b)(2)(ii). A Second Supplemental Appeal Brief is submitted concurrent herewith that specifically addresses the new rejection based on Bhaskaran.

Respectfully submitted,

Date: 8/18/06



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